

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN COFFMAN,

Defendant.

Case No. 8:12CR15

ORDER

This case came before the Court on a Petition for Action on Conditions of Pretrial Release (#103). On July 3, 2012 Pretrial Services Officer Todd Beacom submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

8. The defendant shall:

(d) Maintain or actively seek employment.

(n) Not possess or use a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a licensed medical practitioner.

(q) Obtain a substance abuse treatment evaluation and/or participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer; and pay all or a portion of the treatment in an amount and on a schedule to be arranged by the supervising officer. Copies are to be given to all counsel and the court.

Mr. Coffman has failed to locate employment (sic) or provide proof of job seeking. [Violation of Condition #8(d)].

Mr. Coffman provided urine samples on March 7, 2012 and April 19, 2012 and both tested positive for methamphetamine usage. [Violation of Condition #8(n)]

On May 29, 2012 this officer directed the defendant to report to the HEART program in Santee, NE to conduct a substance abuse evaluation. He has failed to provide proof of completion of this evaluation. [Violation of Condition 8(q)]

A warrant for Defendant's arrest was issued.

Defendant appeared before the undersigned magistrate on July 25, 2012. William McGinn represented Defendant. Douglas Semisch, Assistant United States Attorney, represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, Defendant admitted the allegations. The Court took judicial notice of the Memorandum of Pretrial Services Officer Todd Beacom dated July 24, 2012. The Court finds the allegations set out in the petition are generally true and finds the Defendant violated the conditions of release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release (#33) should be revoked. I find Defendant is unlikely to abide by conditions of release. I find that there is no condition or combinations of conditions that would reasonably assure Defendant's presence for further proceedings, or the safety of the community if Defendant were to be released upon conditions.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release (#103) is granted;
2. The February 15, 2012 Order Setting Conditions of Release (#33) is hereby revoked; and
3. Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the Court of the United States or on the request of an attorney for the Government, the person in charge of the correctional facility shall deliver Defendant to the United States Marshal for purpose of an appearance in connection with a court proceeding.

Dated this 25th day of July 2012.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge